



UNTAET

United Nations Transitional Administration in East Timor

Office of the Deputy General Prosecutor for Serious Crimes

Case No. BO-13-99-SC

Case: 01/2000

**The General Prosecutor of the United Nations Transitional
Administration for East Timor**

against

Joao Fernandes

I. INDICTMENT

The General Prosecutor of the United Nations Transitional Administration for East Timor, pursuant to his authority under UNTAET Regulations 19999/1, 2000/11, 2000/15, 2000/16 and 2000/30 charges:

Joao Fernandes

with

Murder

as set forth in this indictment and requests the Special Panel of the District Court of Dili to take jurisdiction of this matter expeditiously.

II. Name and Particulars of the Accused

Name : Joao Fernandes, also known as Joao Atabae.
Age : 22 years.
Place of Birth : Atudara Village, Kailako Subdistrict, Bobonaro District.
Nationality : East Timorese.
Location : Becora Prison.

III. Statement of the Facts


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1. **Joao Fernandes** was member of the Dadurus Merah Putih Militia.
 2. On 8 September 1999 **Joao Fernandes** was ordered to come to the house of the militia leader Natalino Monteiro in Ritabou Village.
 3. **Joao Fernandes** and the other militia members were provided with Samurai swords and ordered to go to the POLRES Station in Maliana to kill people.
 4. Before going there **Joao Fernandes** and the other militia members were brought to the KORAMIL in Maliana where they painted their faces black.
 5. Having reached the POLRES Station **Joao Fernandes** got the order to enter the compound and kill all the males.
 6. **Joao Fernandes** and one other militia member, Joao Gomblo, were led by the chief of the POLRES Station to one room where the village chief of Ritabou Village, **Domingos Gonsalves Pereira**, was hiding.
 7. **Joao Fernandes** pulled **Domingos Gonsalves Pereira** out from his hiding place by **Joao Fernandes** and stabbed with his sword in the back.
 8. After having fallen to the ground Joao Gomblo stabbed **Domingos Gonsalves Pereira** twice in the chest.
 9. Since the victim was still alive and tried to get up **Joao Fernandes** stabbed him a second time in the back.
 10. After this **Domingos Gonsalves Pereira** was died.
 11. The victim was killed on order of TNI and Militia Commanders for being a pro-independence supporter.

V. Pursuant to the above the Prosecutor charges:

On 8 September 1999 in the village of Maliana in the District of Bobonaro, the Accused **Joao Fernandes** did with deliberate intent and with premeditation take the life of **Domingos Gonsalves Pereira**. in violation of Section 8 UNTAET Regulation 2000/15 and Article 340 of the Penal Code of Indonesia.

Dili , 14 November 2000


Raimund Sauter
Public Prosecutor

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